

JS 44 (Rev. 04/17)

## CIVIL COVER SHEET

18-cv-3229

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS DIANA LOMBARDO

DEFENDANTS

DAILY NEWS, L.P. AND  
TRUCK, INC.(b) County of Residence of First Listed Plaintiff NY

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant NY

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State <u>NY</u>      | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Brief description of cause

28 U.S.C. 1332DIVERSITY - DEFAMATION

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

7/30/18

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

JUL 30 2018

APPLYING IFP

JUDGE

MAG JUDGE

PBT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

COMORO

v.

~~DA~~ DAILY NEWS, LP ET AL

18

CIVIL ACTION

3229

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

7/30/18  
DateSIMON ROSEY, ED  
Attorney-at-law

Attorney for PLAINTIFF

215-564-0212  
Telephone215-893-3900  
FAX NumberSIMON ON KEY @ AOL.COM  
E-Mail Address

JUL 30 2018

**PBT**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 45 Boulder Run RD, W. Paterson, NJ 07501

Address of Defendant: 4 New York Plaza, NY NY 10004

Place of Accident, Incident or Transaction: Libel Through The United States

## RELATED CASE, IF ANY:

18 3229

Case Number \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

- 1 Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
- 2 Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
- 3 Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes ☐ No ☒
- 4 Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 7/30/18 \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

38603

Attorney I D # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases (Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☒ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases (Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Simon Rosen, ESQ., counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.☐ Relief other than monetary damages is sought.

DATE 7/30/18 \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

38603

Attorney I D # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

JUL 30 2018

JUL 30 2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANA LoMORO  
45 Boulder Run Road  
West Paterson NJ 07501

: CIVIL ACTION

NO. CV-\_\_\_\_\_

AND

:

DAILY NEWS, L.P.  
4 New York Plaza  
New York, N.Y., 10004

JURY TRIAL DEMANDED

:

AND

TRONC, INC.  
435 N. Michigan Avenue  
Chicago IL 60611

:

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COMES NOW your plaintiff, DIANA LoMORO, who through her counsel,  
SIMON ROSEN, ESQ., respectfully Complains as follows:

**I. JURISDICTION**

1. Jurisdiction is proper under 28 United States Code, Section 1332, to wit, diversity of citizenship.

**II. VENUE**

2. Venue is proper under applicable federal law.

**III. FACTUAL ALLEGATIONS**

3. Plaintiff DIANA LoMORO (hereinafter “LOMORO”) is a private



adult individual and a citizen of the State of New Jersey, residing at the address indicated above.

4. Defendant DAILY NEWS, L.P. is a limited partnership based in the State of New York, doing business within this district as a daily newspaper; at all times material hereto, defendant DAILY NEWS, L.P. (hereinafter “DN”) conducted business and acted through its agents, servants, employees, representatives, and the like, acting within their course of employment and scope of duties.

5. Defendant TRONC, INC. is a domestic corporation based in Chicago, IL and doing business within this District in the publishing business; defendant TRONC, INC. (“TRONC”) is the parent company of co-defendant DN.

6. At all times relevant hereto, defendant TRONC conducted business and acted through its agents, servants, employees, representatives, and the like, acting within their course of employment and scope of duties.

7. In their December 19, 2017 DN daily newspaper, prominently displayed in bold type, at Page 18 under the headline, “**RACK WHACK**”, defendants published an article involving illegal activities including but not limited to racketeering and prostitution (hereinafter “SUBJECT ARTICLE”).

8. The SUBJECT ARTICLE contained an unflattering, edited photograph depicting plaintiff LoMORO. A copy of the SUBJECT ARTICLE is annexed hereto as Exhibit P-1 and incorporated by reference as though fully set forth herein and made a part hereof.

9. Subsequent to the publication of the SUBJECT ARTICLE, plaintiff upon learning of the existence of the SUBJECT ARTICLE properly requested an appropriate retraction and apology from defendants, which request was flatly refused by defendants.

10. This litigation ensues.

#### **IV. PLAINTIFF'S CLAIMS**

##### **COUNT I: LIBEL PER SE (DEFAMATION)**

##### **(AGAINST DAILY NEWS, LP ONLY)**

11. Paragraphs 1 through 10 are incorporated by reference as though fully set forth herein and made a part hereof.

12. Under the law, actionable libel Per Se is

- a) defamatory communication;
- b) published by the defendant concerning the plaintiff involving criminality;
- c) understanding by the recipient of its defamatory meaning;
- d) understanding by the recipient of it as intended to be applied to the plaintiff

13. Defendant DN satisfied all of the essential elements of libel Per Se.

14. The defamatory communication portrayed plaintiff as being linked to criminality including racketeering and prostitution, which is false.

15. The SUBJECT ARTICLE was published by defendant DN in its daily Daily News newspaper, at Page 18, and was made available by DN to millions of defendants' readers and customers, both in written print and digitally.

16. The recipient understood of the SUBJECT ARTICLE's defamatory meaning.

17. The recipient understood that it was the intent of the SUBJECT ARTICLE to link plaintiff to criminality including racketeering and prostitution.

18. As a direct and proximate result of defendant DN's libel Per Se, plaintiff sustained serious damages, inclusive but not limited to the following:

a) General damages: Past and future harm sustained to LoMORO's reputation in her community; mental and emotional anguish, and personal humiliation.

b) Special damages: Lost wages- past present and future; lost business profits; loss of prospective business opportunities.

19. Defendant DN's conduct was outrageous, and was intentional, willful and with reckless disregard for the rights of plaintiff LoMORO, giving rise to an award of punitive damages; defendant DN carefully chose a particular unflattering photograph of plaintiff LoMORO to insert next to its egregious headline.

20. Defendant DN is liable to LoMORO for Libel Per Se.

WHEREFORE, on Count I, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant DAILY NEWS, as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant DN from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

**COUNT II: LIBEL PER SE (DEFAMATION)**

**(AGAINST TRONC ONLY)**

21. Paragraphs 1 through 20 are incorporated by reference as though fully set forth herein and made a part hereof.

22. Under the law, actionable libel Per Se is

- a) defamatory communication;
- b) published by the defendant concerning the plaintiff involving criminality;
- c) understanding by the recipient of its defamatory meaning;
- d) understanding by the recipient of it as intended to be applied to the plaintiff

23. Defendant TRONC satisfied all of the essential elements of libel Per Se, because under the doctrine of respondeat superior, TRON is liable for the actions and misdeeds of its wholly owned subsidiary, co-defendant DN.

24. The defamatory communication portrayed plaintiff as being linked to criminality including racketeering and prostitution, which is false.

25. The SUBJECT ARTICLE was published by defendant TRONC's subsidiary and made available to millions of defendants' readers and customers, both in written print and online digitally.

26. The recipient understood of the SUBJECT ARTICLE's defamatory meaning.

27. The recipient understood that it was the intent of the SUBJECT ARTICLE to link plaintiff to criminality including racketeering and prostitution.

28. As a direct and proximate result of defendants' libel Per Se, plaintiff sustained serious damages, inclusive but not limited to the following:

a) General damages: Past and future harm sustained to LoMORO's reputation in her community; mental and emotional anguish, and personal humiliation.

b) Special damages: Lost wages- past present and future; lost business profits; loss of prospective business opportunities.



29. Defendants' conduct was outrageous, and was intentional, willful and with reckless disregard for the rights of plaintiff LoMORO, giving rise to an award of punitive damages.

30. Defendant TRONC is liable to LoMORO for Libel Per Se.

WHEREFORE, on Count II, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant TRONC, INC., as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant TRONC from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

**COUNT III: INVASION OF PRIVACY (FALSE LIGHT)**

**(AGAINST DN ONLY)**

31. Paragraphs 1 through 30 are incorporated by reference as though fully set forth herein and made a part hereof.

32. Defendant DN committed an actionable civil invasion of plaintiff LoMORO's privacy rights by publishing her actual likeness and appearance for millions to see, falsely linking her to criminality including prostitution and racketeering.

33. As a result of DN's invasion of plaintiff's privacy presenting her in a false light, plaintiff sustained damages as aforepleaded.

34. Plaintiff is entitled to recover against defendant DN for invasion of her privacy and for DN's senseless and needless placing plaintiff LoMORO in a false light.

WHEREFORE, on Count III, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant DAILY NEWS as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant DAILY NEWS from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

**COUNT IV: INVASION OF PRIVACY (FALSE LIGHT)**

**(AGAINST TRONC ONLY)**

35. Paragraphs 1 through 34 are incorporated by reference as though fully set forth herein and made a part hereof.

36. Defendant TRONC, through the actions of its wholly owned subsidiary DN, committed an actionable civil invasion of plaintiff LoMORO's privacy rights by publishing her actual likeness and appearance for millions to see, falsely linking her to criminality including prostitution and racketeering.

37. As a result of TRONC's invasion of plaintiff's privacy presenting her in a false light, plaintiff sustained damages as aforepleaded.

37B. Plaintiff is entitled to recover against defendant TRONC for invasion of her privacy and for TRONC's senseless and needless placing plaintiff LoMORO in a false light.

WHEREFORE, on Count IV, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant TRONC as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant TRONC from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

**COUNT V: VIOLATION OF N.Y. CIV. RIGHTS LAW ARTICLE- 5 SECS. 50-52**

**(AGAINST DN ONLY)**

38. Paragraphs 1 through 37B are incorporated by reference as though fully set forth herein and made a part hereof.

39. Defendant DN's conduct as aforepleading was unprivileged and violative of N.Y. CIV RIGHTS LAW, SECS 50-51, which statute is incorporated by reference as though fully set forth herein and made a part hereof.

40. New York privacy laws require plaintiff's written consent as a precursor for publishing her picture, especially the SUBJECT ARTICLE picture of plaintiff laid out for millions to view.

41. Defendant DN is liable to plaintiff for violating New York State's privacy statutes.

WHEREFORE, on Count V, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant DAILY NEWS as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages, statutory damages and treble damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant TRONC from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

**COUNT VI: VIOLATION OF N.Y. CIV. RIGHTS LAW ARTICLE- 5 SECS. 50-52**

**(AGAINST TRONC ONLY)**

42. Paragraphs 1 through 41 are incorporated by reference as though fully set forth herein and made a part hereof.

43. Defendant DN's conduct as aforepleading was unprivileged and violative of N.Y. CIV RIGHTS LAW, SECS 50-51, which statute is incorporated by reference as though fully set forth herein and made a part hereof.

44. New York privacy laws require plaintiff's written consent as a precursor for publishing her picture, especially the SUBJECT ARTICLE picture of plaintiff laid out for millions to view.

45. Defendant DN is liable to plaintiff for violating New York State's privacy statutes.

WHEREFORE, on Count V, plaintiff DIANA LoMORO demands judgment in her favor, and against defendant DAILY NEWS as follows:

- a. For general damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00);
- b. For special damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000);
- c. For punitive damages, statutory damages and treble damages in excess of Seventy-Five Thousand Dollars (\$75,000);
- d. For a published retraction, apology and Order barring defendant TRONC from re-publication of the SUBJECT ARTICLE in whole or part;
- e. For interest, reasonable counsel fees and litigation costs;
- f. For such other relief as this Court may deem proper.

Dated: July 16, 2018

LAW OFFICE OF SIMON ROSEN

By: /Simon Rosen, Esq./ (#6279)

2019 Walnut St.  
Philadelphia PA 19103  
(215)564-0212 - fax (215)893-3900  
Email:SimonOnKey@aol.com

# RACK WHACK

Famed 'Sopranos' jiggle joint is shuttered



Strip club Satin Dolls in Lodi, N.J., which served as Tony Soprano's headquarters Bada Bing on HBO show, was shuttered because of its ties to real-life wiseguy.

*Satin*

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